

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 3:11-cr-00025
)	Judge Phillips
DAVID MINER,)	
)	
Defendant.)	

**DEFENDANT'S REQUESTED SUPPLEMENTAL
JURY INSTRUCTION**

Comes now the Defendant David Miner, through his undersigned counsel, and does hereby submit to this Honorable Court the following supplemental Defendant's Requested Jury Instruction which he asks the Court to give during its charge to the jury in this case.

Respectfully submitted this the 25th day of March, 2013.

/s/ Lowell H. Becraft, Jr.

Lowell H. Becraft, Jr.
ASB 5005-F66L
Attorney for Defendant Miner
403-C Andrew Jackson Way
Huntsville, AL 35801
256-533-2535
becraft@hiwaay.net

DEFENDANT’S REQUESTED JURY INSTRUCTION NO. 25

In order for you to convict the defendant of count 1 of the indictment, each of you must unanimously agree upon which act committed by the defendant constituted the act which obstructed or impeded the IRS in the due administration of the internal revenue laws, specifically the federal income tax.

In reference to this act, it must be one committed by the defendant after he was aware that the IRS was civilly or criminally investigating a particular party, and such act must concern that party.

Further, this act upon which you unanimously agree cannot be one based solely upon the defendant’s statements that an IRS agent or employee will be sued because such act is constitutionally protected.

United States v. Kassouf, 144 F.3d 952 (6th Cir. 1998); and *United States v. Hylton*, 710 F.2d 1106 (5th Cir. 1983).

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2013, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, who access this filing through the Court's electronic filing system, including:

Frank M. Dale, Jr., AUSA
Office of U. S. Attorney
800 Market Street, Suite 211
Knoxville, TN 37902

/s/ Lowell H. Becraft, Jr.

Lowell H. Becraft, Jr.